

### REMARKS

In response to the Office Action mailed March 8, 2004, Applicants respectfully request reconsideration based on the foregoing Amendment and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1-11 were currently pending in this application. Applicants have amended claims 1, 6, 9, and 11, canceled claims 7 and 10, and added new claims 12-20. The amendments have support at, for example, page 13, lines 19 to page 14, lines 1-12. After entry of these amendments, claims 1-6, 8-9, and 11-20 are now pending, of which claims 1 and 12 are independent claims. For at least the reasons stated below, Applicants respectfully submit that all claims pending in this application are in condition for allowance.

In the Office Action mailed March 8, 2004, claims 1-4 were rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0029189 to Titus ("Titus") in view of U. S. Patent No. 6,526,273 to Link, II, et al. ("Link"). Claims 5-11 were rejected as being unpatentable under 35 USC § 103(a) over Titus and Link in view of U.S. Patent No. 6,490-450 to Batni et al. ("Batni"). If the grounds of rejection are still applicable to the amended claims, they are respectfully traversed.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. See M.P.E.P. §2143.

Without conceding the first and second criteria, Applicant asserts that cited combination does not teach or suggest each and every elements of the claims. Without conceding that there may be other patentable features recited in the claims, the following discussion sets forth several claim features that are not taught or suggested by the cited combination.

Amended claim 1 comprises, among other elements, an intelligent peripheral communicating with the peripheral device, wherein the intelligent peripheral plays voice messages through a voice path to the mobile switching system. The peripheral device directs the customer to interact with the IVR application and connects the intelligent peripheral with the mobile switching system when an IVR service for the customer is required, and the menu driven system responds to the information received from the customer by reciting a rate plan that is the current rate plan and features of the customer, and wherein the rate plan is provided to the customer by the intelligent peripheral through the voice path.

The Examiner relied on the combinations of Titus and Link and Titus, Link, and Batni to assert that their combinations render claims 1-11 obvious.

Titus describes a method for determining if a subscriber has sufficient account balance to deliver a complete short message, prior to delivery of the message. If the subscriber account balance is insufficient, Titus provides a prepaid short message service that allows a real-time billing charges to a user for sending or receiving of messages. As admitted by the Examiner, Titus does not disclose a menu driven system in a peripheral device and thus, Titus fails to teach or suggest the feature that the menu driven system responds to the information received from the

customer by reciting a rate plan that is current rate plan and features of the customer, as recited in amended claim 1.

Link describes a system and method for providing prepaid wireless telephone customers notification that a wireless telephone account has been replenished. According to Link, the notification system receives account replenishment information from a replenishment system and updates its database to indicate a notice must be sent. As the wireless device may not be available and the notification system is ready to send such a notice, Link allows the system to intercept registration messages sent by the wireless system, thereby allowing the notification system to detect when the wireless telephone is available.

The Examiner alleged that as described in col. 3, lines 3-6 of Link, a reverse IVR initiates a telephone call to the wireless telephone system and plays a digitally synthesized voice message conveying the account information when the call is answered. The Examiner thus concluded that Link discloses a menu driven system as the amended claim 1. Applicants respectfully traverses the allegation because it is mandatory in Link for the IVR to initiate the telephone call to send a notification to the customer, regardless whether or not it receives information from the customer for requesting the customer's current rate plan. Further, in Link, the customer does not interact with a menu driven system, as recited in amended claim 1.

Thus, neither Titus nor Link discloses a menu driven system in a peripheral device and the menu driven system responds to the information received from the customer by reciting a rate plan that is the current rate plan and features of the customer, as recited. Furthermore, neither Titus nor Link suggests or teaches an intelligent peripheral plays voice messages through

a voice path to the mobile switching system, or that the peripheral device directs the customer to interact with the IVR application and connects the intelligent peripheral with the mobile switching system when an IVR service for the customer is required, and the rate plan is provided to the customer by the intelligent peripheral through the voice path .

Accordingly, Applicants respectfully submit that no *prima facie* case of obviousness has been established for claim 1 and its dependent claims 2-4. Therefore, claims 1-4 are considered patentable over over Titus in view of Link.

With regard to the rejection of claims 5-11, which are dependent from claim 1, Applicants submit that they are patentable at least due to their dependencies from claim 1. To further support the allowability of claims 5-11, Applicants submit that none of Titus, Link, and Batni, whether taken singly or in any combination thereof, discloses that the peripheral device directs the customer to interact with the IVR application and connects the intelligent peripheral with the mobile switching system when an IVR service for the customer is required, the menu driven system responds to the information received from the customer by reciting a rate plan that is the current rate plan and features of the customer, and the rate plan is provided to the customer by the intelligent peripheral through the voice path, as recited in amended claim 1.

Batni describes a network platform inserted into a signaling path between a roaming subscriber's HRL and all serving MSCs. The network platform intercepts messages exchanged between the roaming subscriber's Serving MSC and HLR, and extracts and stores information such as Serving MSCID, cell and sector data. The network platform may also modify the exchange messages in support of service applications. Batni, however, fails to teach or suggest

that a peripheral device directs the customer to interact with the IVR application and connects the intelligent peripheral with the mobile switching system when an IVR service for the customer is required, the menu driven system responds to the information received from the customer by reciting a rate plan that is the current rate plan and features of the customer, and the rate plan is provided to the customer by the intelligent peripheral through the voice path a menu driven system, as recited in amended claim 1. Accordingly, it would not have been obvious for one skilled in the art to combine Titus, Link, and Batni to achieve the system of amended claim 1.

In view of the foregoing all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone Applicants' undersigned representative at the number listed below.

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Respectfully submitted,  
J. ESPEJO ET AL.

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